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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

DAVID OSTER, *et al.*,

Plaintiffs,

v.

WILL LIGHTBOURNE, Director of the California
Department of Social Services; TOBY DOUGLAS,
Director of the California Department of Health Care
Services; CALIFORNIA DEPARTMENT OF HEALTH
CARE SERVICES; and CALIFORNIA DEPARTMENT
OF SOCIAL SERVICES,

Defendants.

Case No. CV 09-04668 CW

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING THE
FURTHER CASE MANAGEMENT
CONFERENCE PENDING
RESOLUTION OF DEFENDANTS'
PRELIMINARY INJUNCTION
APPEALS IN THE NINTH
CIRCUIT**

1 WHEREAS, a Case Management Conference is scheduled in this case for July 25, 2012.

2 WHEREAS, Defendants' preliminary injunction appeal with respect to ABX 4 4 is
3 currently pending in the Ninth Circuit, which has not yet issued its decision;

4 WHEREAS, oral argument on that appeal was heard and the matter submitted on June
5 15, 2010;

6
7 WHEREAS, the Ninth Circuit vacated the submission and deferred resolution of that
8 preliminary injunction appeal pending the United States Supreme Court's decision in the
9 consolidated appeals of *Douglas v. Indep. Living Ctr. of S. Cal., et al.*;

10 WHEREAS, the United Supreme Court has now issued its ruling in *Douglas*;

11 WHEREAS, on May 21, 2012, the Ninth Circuit ordered the parties to submit letter briefs
12 regarding the mootness impact upon the appeal, if any, of California Welfare & Institutions Code
13 §§12309(i) and 12309.2(e);

14
15 WHEREAS, those briefs are due to be filed on July 20, 2012;

16 WHEREAS, Defendants filed a preliminary injunction appeal with respect to SB 73 on
17 February 21, 2012 and March 5, 2012;

18 WHEREAS, Defendants filed their opening brief on April 3, 2102;

19 WHEREAS, Plaintiffs' answering brief is due on July 19, 2012 and Defendants' reply
20 brief is due on August 16, 2012;

21
22 WHEREAS, the parties agree that it would be more efficient for the Court and the parties
23 to continue the further case management conference pending resolution of the preliminary
24 injunction appeals;

25 IT IS HEREBY STIPULATED between the parties through their respective counsel that,
26 subject to Court approval:

- 27
28 1. The further case management conference scheduled for July 25, 2012 is taken off
calendar.

- 1 2. A further case management conference is rescheduled for October 24, 2012, at
2 2:00 p.m.
- 3 3. The parties, by filing another Stipulation and [Proposed] Order, may request an
4 earlier or later date for the further case management conference depending on the
5 date(s) the Ninth Circuit issues its opinion(s).

7 Dated: July 18, 2012

Respectfully Submitted,

9 /s/ Melinda Bird
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1 Dated: July 18, 2012

Respectfully Submitted,

2 /s/ Susan M. Carson

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9
10 *Attorneys for Defendants*

11
12 GENERAL ORDER 45 ATTESTATION

13 I, Stacey Leyton, am the ECF user whose ID and password are being used to file this
14 stipulation. In compliance with General Order 45, X.B, I hereby attest under the penalty of
15 perjury that concurrence regarding filing this document has been obtained from each of its
16 signatories.

17
18 Dated: July 18, 2012

/s/ Stacey Leyton

Stacey Leyton

19
20
21 GOOD CAUSE APPEARING, PURSUANT TO STIPULATION, IT IS SO ORDERED.

22
23 Dated: 7/19/2012



Hon. Claudia Wilken

United States District Judge